

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIDIA M. DUARTE,
Plaintiff,

v.

ANDREW SAUL,
Defendant.

Case No. [20-cv-00151-JCS](#)

**ORDER REGARDING ACCESS TO
ELECTRONIC FILES**

It has come to the Court's attention that Plaintiff Elidia Duarte's son, José Duarte Miranda, has repeatedly contacted staff in the Clerk's Office—including the Chief Deputy of Administration and the Director of Information Technology—to request that Ms. Duarte be granted remote access to all filings in this case under Rule 5.2(c) of the Federal Rules of Civil Procedure. That rule provides in relevant part that, "[u]nless the court orders otherwise, in an action for benefits under the Social Security Act, . . . the parties and their attorneys may have remote electronic access to any part of the case file, including the administrative record." Fed. R. Civ. P. 5.2(c). Ms. Duarte has also herself emailed the courtroom deputy to the undersigned magistrate judge to request access.

Ms. Duarte is currently represented by counsel who have access to the electronic docket of the case. Although her attorneys have moved to withdraw from the case, the Court has not yet ruled on that motion, and they continue to represent Ms. Duarte unless and until the Court grants to motion to withdraw. Ms. Duarte may therefore obtain any documents in the case through her attorneys. To the extent that Rule 5.2(c) could be interpreted as requiring, as a default rule, that she be separately granted remote access to the docket, it is modified by this Court's Civil Local Rules, which provide that "[o]nly counsel for a party or [a] *pro se* party who has been granted

1 permission by the assigned judge to become an ECF user may access the ECF system and retrieve
2 any electronically filed document in a Social Security appeal.” Civ. L.R. 5-1(c)(5)(B)(i)
3 (emphasis added). A pro se party is a party who represents themselves, rather than a party who is
4 represented by a lawyer. Ms. Duarte is not currently a pro se party.

5 So long as Ms. Duarte is represented by counsel, she may access the full electronic docket
6 of the case only through her attorneys. If the motion to withdraw is granted and Ms. Duarte
7 chooses to proceed pro se, she will be allowed remote access at that time.

8 Mr. Miranda is neither a party to this case nor, as far as the Court is aware, licensed to
9 practice as an attorney. He therefore may not represent his mother in this action, and is not
10 entitled to remote access to the electronic record. *See* Fed. R. Civ. P. 5.2(c)(2); Cal. Bus. & Prof.
11 Code § 6125; Civ. L.R. 11-1. The Clerk’s Office is instructed to disregard any further requests
12 from Mr. Miranda regarding this case.

13 **IT IS SO ORDERED.**

14 Dated: March 23, 2021

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17 JOSEPH C. SPERO
18 Chief Magistrate Judge
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